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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,544	11/10/2003	Kathrin Berkner	074451.P159	5145
8791 7590 12/09/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
BAYAT, ALI				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/705,544

Applicant(s)

BERKNER ET AL.

Examiner

ALI BAYAT

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) 28-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

Response to Arguments

1. Applicant's arguments filed 8/28/08 have been fully considered but they are not persuasive.

On page 14 applicant argues " FIG. 2, elements 9 and 7 of Sekiguchi respectively represent a user interface unit for selecting a desired image based on an attribute list that is defined as " meta data" (i.e., not "a first image") (see Sekiguchi, paragraph [0079]).

Examiner respectfully disagrees element 9 corresponds to client user interface unit for selecting an image, which is desired to be retrieved, according to the category or a key image (first image) of image data to be retrieved, see para.79. further see para.145 bottom part , note a key frame of the video data is displayed with the pieces of attribute information, further in Para.147 a user inputs reproduction instruction through the user interface unit 9 (step 23) and selects attribute information of the desired image (step 24) . Thereafter image data corresponding to the attribute information of the desired image is extracted, in the image information storing unit 5 (second image), according to unit 10.

Further Applicant argues, the retrieval conditions defined by the attribute list, the desired image may be retrieved. However, Applicants note that the attribute list as taught by Sekiguchi is in a text format (e.g., XML) instead of equivalent to "a first image," as recited in claims 1, 15, and 27. See Sekiguchi, paragraphs [0087] and [0142]."

Examiner respectfully disagrees it is clearly indicated, that user interface unit 9 selecting an image, which is desired to be retrieved, according to a key image of image data to be retrieved. See para.79. Also in para.145 see key frame as described above.

Further more Applicant argues to retrieve of the desired image based on the attribute list, initially, each image is required to be registered in the database. In particular, Sekiguchi teaches that attributes are extracted from an image (i.e., the "desired image") and then attached to the image, and the extracted attributes of the image are stored with the attribute list. See Sekiguchi, paragraph [0084]. Therefore, it should be understood that retrieval of the desired image is simply based upon selected attributes corresponding to the same desired image rather than another image (i.e., not "a first image" and "a second image"). Thus, Sekiguchi does not teach the elements of "performing image analysis between the first image and a second image" (emphasis added) as recited in claims 1, 15 and 27.

Examiner respectfully disagrees Applicant misunderstood the Para.84, Sekuguchi provides for an image data base server 1, for storing the newly registered image data in units 7 for processing attribute list and unit 5 for storing image data and characteristic descriptors (second image). Thus Sekiguchi provides for the elements of "performing image analysis between the first image and a second image .as recited in claims 1, 15 and 27.

On page 16 Applicant argues that, the Examiner has not cited and Applicants are unable to discern the portion of Amirghodsi that allegedly teaches or suggests the missing elements in claims 1 and 15. Thus, Chan in view of Sekiguchi in further view of Amirghodsi fails to teach or suggest each element of dependent claims 7 and 19 because these claims depend on claims 1 or 15. Accordingly, reconsideration and withdrawal of the rejection of claims 7 and 19 are respectfully requested.

Examiner respectfully disagrees Applicant, Examiner has cited Para.56, further Amirghodsi provides for comparing the first vector with a second vector of one or more retrieval attributes associated with a second image , see the query color feature vector is then compared to the color feature vectors in the feature vector data store. Para.56 bottom part.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-18 and 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (Pub. No: US 2003/0113027) in view of Sekiguchi et al. (Pub. No: US 2001/0004739 A1).

In regard to claim 1, Chen provides for accessing header data (Fig.6A element 610, Para.137 lines 14-18, note code stream header is read where

relevant information such as DWT levels and code block size and ...is extracted)from a multi-resolution code stream of compressed data of a first image (Fig.6A element 610, Para.137 lines 5-7, note JPEG 2000 code stream, transforms the coefficients via DWT, which is multi-resolution); deriving one or more retrieval attributes from the header information (Fig.6A element 610, Para.137 lines 14-18, note code stream header is read where relevant information such as DWT levels and code block size and ...is extracted) .

Chen does not provide for performing image analysis between the first image and a second image based on the one or more retrieval attributes .Sekiguchi provides for the above image analysis between the first and second image (Fig.2 element 9 para.79 see user interface unit for selecting an image (first image) which is desired to be retrieved, from the server 1 which stores images (second image), via storage 5 and storage 7).

It would have been obvious to a person of ordinary skill in the art at time the invention was made to incorporate the teaching of Sekiguchi with the system and method of Chen to retrieve images based on characteristic values and/or pieces of attributed information are extracted from image. See field of invention.

In regard to claims 2 and 16 Chen provides for the header information comprises the number of bits per code block (para.137 lines 14-18, note code block).

In regard to claims 3 and 17 Chen provides for the multi-resolution code stream complies with the JPEG 2000 Standard (para.137 note DWT levels).

In regard to claims 4 and 18, see the rejection of claim 1. They recite similar limitations as claim 1. Hence they are similarly analyzed and rejected.

In regard to claim 5, Chen provides for the image analysis comprises clustering (para.84, see meta-data corresponds to clustering).

In regard to claim 6, Chen provides for the image analysis comprises categorization (para.137 see DWT levels corresponds to different resolution).

In regard to claim 8, see the rejection of claim 1. It recites similar limitations as claim. Hence it is similarly analyzed and rejected.

In regard to claims 9 and 26 Chen provides for the one or more retrieval attributes comprise one or more resolution-sensitive features (para.137 lines 18-20, note precincts present in each resolution level).

In regard to claims 10 and 22 see the rejection of claim 1. They recite similar limitations as claim 1. Hence they are similarly analyzed and rejected.

In regard to claims 11 and 23 Chen provides for the first image comprises a scanned compound document. (Para.74 see scan order).

In regard to claims 12 and 24 Chen provides for deriving the one or more retrieval attributes comprises computing the one or more retrieval attributes (para.137 lines 24-29, note selected resolution).

In regard to claims 13-14 and 25 Chen does not provides for the code stream includes a plurality of layers (luminescence layer, a chrominance layer, and a layer for the remaining bits) of coded data and where accessing the header data comprises accessing header data connected with one of the layers.

Sekiguchi provides for above limitations(Para.95 lines 1-5).it would have been obvious to a person of ordinary skill in the art at time the invention was made to incorporate the teaching of Sekiguchi with the system and method of Chen to retrieve images based on characteristic values and/or pieces of attributed information are extracted from image. See field of invention.

In regard to claims 20-21 and 27, see the rejection of claim 1. They recite similar limitations as claim 1. Hence it is similarly analyzed and rejected.

In regard to claim 15, see the rejection of claim 1. It recites similar limitations as claim 15. Except for computer readable (para.137 see software application). Hence it is similarly analyzed and rejected.

Claims 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (Pub. No: US 2003/0113027) in view of Sekiguchi et al. (Pub. No: US 2001/0004739 A1) further in view of Amirghodsi (Pub. No: US 2006/0077408).

In regard to claims 7 and 19 Chen as modified by Sekiguchi provides for deriving one or more, retrieval attributes comprises creating a first vector of the one or more retrieval attributes (para.101, Fig.6 step 13, see motion vector extracted in video segment, which produces characteristic descriptor set, which corresponds to element 3 of Fig.2 in Sekiguchi) . Chen as modified by Sekiguchi does not provide for performing image analysis comprises comparing the first vector with a second vector of one or more retrieval attributes associated with a second image. Amirghodsi provides for performing image analysis

comprises comparing the first vector with a second vector (para.56 see last part).

It would have been obvious to a person of ordinary skill in the art at time the invention was made to incorporate the teaching of Amirghodsi with the system and method of Chen as modified by Sekiguchi to retrieve image by incorporating the color feature vectors. See Background of invention. Para.0002.

Contact Information

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Bayat whose telephone number is 571-272-7444. The examiner can normally be reached on M-F 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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12/05/08